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10/664,625	09/19/2003	William R. Owens	03W028	4033

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EXAMINER

SHEDRICK, CHARLES TERRELL

ART UNIT	PAPER NUMBER
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2687

DATE MAILED: 08/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/664,625

Applicant(s)

OWENS ET AL.

Examiner

Charles Shedrick

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims **1-6,8-10,19-22, and 26-35** are rejected under 35 U.S.C. 102(e) as being anticipated by

Girod U.S. Patent #6,687,506 B1

Consider **claim 1**, Girod clearly discloses a detector (i.e., apparatus with means of detection) for detecting telephone - activated devices (i.e., other mobile phones or like devices capable of operating at various frequencies) (**column 6 lines 45-49**), comprising: a conductive shield having an open end for placing objects that may contain a telephone-activated device, at least in proximity thereto (**column 5 lines 15-29**); a transmitter for generating and transmitting a pseudo base station signal (i.e., modified or artificial signal) corresponding to a base station signal to a telephone - activated device (**column 2 lines 4 -14, column 6 lines 19-34**); and a receiver for receiving and detecting a response signal transmitted by the telephone-activated device (**column 2 lines 25-29**); wherein the detector directs at least at least part of the pseudo base station signal into the shield (**column 5 lines 14-65**).

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Consider **claim 2**, and **as applied to claim 1**, Girod clearly discloses a detector wherein the at least part of the transmitter is within the shield (**column 2 lines 63 –67, column 4 lines 7-16, and column 6 line 45-49**).

Consider **claim 3**, and **as applied to claim 1**, Girod clearly discloses a detector, wherein the at least part of the receiver is within the shield (**column 2 lines 63 –67, column 4 lines 7-16, and column 6 line 45-49**).

Consider **claim 4**, and **as applied to claim 3**, Girod clearly discloses a detector (i.e., antenna), wherein the transmitter includes a transmitting antenna at least partially within the shield (**column 2 lines 63 –67**); and

Wherein the receiver includes a receiving antenna at least partially within the shield (**column 4 lines 7-16**).

Consider **claim 5**, and **as applied to claim 1**, Girod clearly discloses a detector wherein the shield is substantially conical with the open end at a wide end (i.e., parabolic)(**fig. 9, column 5 lines 33-35**).

Consider **claim 6**, and **as applied to claim 1 above**, Girod clearly discloses a detector wherein the shield is made of conductive sheet metal (i.e., a concave reflecting surface)(**column 5 lines 15-35**).

Consider **claim 8** and **as applied to claim 1**, Girod clearly discloses a detector further comprising a response unit (i.e., a detector with varied functionality)(**column 2 line 29-38**) operatively coupled to the receiver, wherein the response unit generates a response based on a result of operation of the receiver (i.e., signal generation from jammer based on the detected signal) (**column 5 line 46-57**), and wherein the response unit includes a feedback unit that

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provides information to an operator regarding the result of the operation of the receiver (i.e., display messages **column 2 line 38-48** and the response unit can be integrated into a switching office **column 4 lines 44-48**).

Consider **claim 9** and **as applied to claim 8 above**, Girod clearly discloses a detector wherein the response unit also includes an interdiction device (i.e., a jammer) that affects operation of the telephone-activated device (**abstract**).

Consider **claim 10** and **as applied to claim 9 above**, Girod clearly discloses a detector wherein the interdiction device (i.e., a jammer) includes a jamming device for preventing the telephone-activated device from being activated (**abstract, column 4 lines 7-16**).

Consider **claim 19** and **as applied to claim 1 above**, Girod clearly discloses a detector wherein the transmitter includes a transmitting antenna and a signal-generating unit that is coupled to the transmitting antenna (**column 2 lines 63 –67**); and a signal-generating unit that is coupled to the transmitting antenna (i.e., a jammer with signal transmitting capabilities via a transmitting antenna)(**column 6 line 38-44 and column 4 lines 24-35**).

Consider **claim 20** and **as applied to claim 19 above**, Girod clearly discloses a detector wherein the signal-generating unit (i.e., jammer with transmission signal capabilities) is coupled to a frequency scanner adapted to successively transmit signals, scanning multiple possible base station frequencies (**column 3 lines 5-8**).

Consider **claim 21** and **as applied to claim 20 above**, Girod clearly discloses a detector wherein the frequency scanner is coupled to circuitry adapted to stop the scanning when the receiver detects a telephone-activated device, while maintaining transmission at the frequency at which the transmitter was transmitting when the receiver detected the telephone-activated device

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(i.e., a variant that makes it possible to detect the response and jam at intermittent intervals or having the ability to stop and start the process of scanning and jamming)(**column 2 lines 23-29 and column 8 lines 8-11**).

Consider **claim 22**, Girod clearly discloses a detector (i.e., apparatus with means of detection), comprising:

A transmitter for generating and transmitting a pseudo base station signal (i.e., modified or artificial signal) corresponding to a base station signal to a telephone - activated device (**column 2 lines 4 –14, column 6 lines 19-34**); and

a receiver for receiving and detecting a response signal transmitted by the telephone-activated device (**column 2 lines 25-29**);

wherein the transmitter includes a transmitting antenna and a signal-generating unit that is coupled to the transmitting antenna, adapted to transmit signals (**column 2 lines 63 –67**);

wherein the signal-generating unit (i.e., jammer with transmission signal capabilities) is coupled to a frequency scanner adapted to successively transmit signals, scanning multiple possible base station frequencies (**column 3 lines 5-8**);and

wherein the frequency scanner is coupled to circuitry adapted to stop the scanning when the receiver detects a telephone-activated device, while maintaining transmission at the frequency at which the transmitter was transmitting when the receiver detected the telephone-activated device (i.e., a variant that makes it possible to detect the response and jam at intermittent intervals or having the ability to stop and start the process of scanning and jamming)(**column 2 lines 23-29 and column 8 lines 8-11**).

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Consider **claim 26**, Girod clearly discloses a method of detecting a telephone - activated device (i.e., other mobile phones or like devices capable of operating at various frequencies) (**column 6 lines 45-49**), the method comprising:

For each of multiple possible base station frequencies, transmitting a pseudo base station signal from a transmitter of a telephone-activated device detector to an object (**column 2 lines 4-14**); checking, with a receiver of the detector, for receipt of signals from the object indicating presence of a telephone-activated device (i.e., comparing data loaded in memory or transmitted by stations)(**column 4 line 24 – 35**); and

If the presence of a telephone activated device is detected, activating an interdiction device of the detector to prevent the telephone-activated device from receiving an incoming call (**column 4 lines 7-16 and column 3 lines 1-15**).

Consider **claim 27** and as applied to **claim 26 above**, Girod clearly discloses a method wherein the interdiction device (i.e., a jammer) includes a jamming device and wherein the activating the interdiction device includes sending a jamming signal from the jamming device to the telephone activated device (**abstract, column 4 lines 7-16**).

Consider **claim 28** and as applied to **claim 26 above**, Girod clearly discloses a method wherein the activating of the interdiction device includes sending a control signal to the telephone-activated device (**column 5 lines 46-66**).

Consider **claim 29** and as applied to **claim 28 above**, Girod clearly discloses a method wherein sending the control signal includes disabling (i.e., jamming) the telephone-activated device (**column 5 lines 46-66**).

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Consider **claim 30** and as applied to **claim 26** above, Girod clearly discloses a method comprising, if a telephone-activated device is detected, activating a feedback unit of the detector to provide an operator of the detector with an indication that the telephone-activated device has been detected (i.e., the hardware unit can respond in transmit or receive mode based on information stored in memory)(**column 4 lines 24-35**).

Consider **claim 31** and as applied to **claim 30** above, Girod clearly discloses a method wherein the activating includes providing the operator with information extracted from the telephone-activated device (i.e., numbers can be stored in memory of the detection system) (**column 4 lines 24-35 and column 2 lines 37-47**).

Consider **claim 32** and as applied to **claim 31** above, Girod clearly discloses a method wherein the device includes a telephone number associated with the detected telephone activated-device (**column 2 lines 37-47**).

Consider **claim 33** and as applied to **claim 31** above, Girod clearly discloses a method wherein the device information includes a registration number associated with the detected telephone activated-device (**column 2 lines 37-47**).

Consider **claim 34** and as applied to **claim 26** above, Girod clearly discloses a method further comprising, if a telephone activated device is detected, maintaining transmission of the pseudo base station signal (**column 2 lines 4 – 14 and column 8 lines 4-6**).

Consider **claim 35** and as applied to **claim 34** above, Girod clearly discloses a method wherein the transmission of the pseudo base station signal is maintained until the object is moved to an area where access of incoming telephone signals is blocked, (i.e., jamming restrictions can

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be applied based on geographic position)(column 2 lines 4 – 14 and column 4-column 5 lines 14).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims **7,15-18, and 23-25** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Girod U.S. Patent (6,687,506 B1)**.

Consider **Claim 7** and as **applied to claim 6 above**, Girod clearly discloses a conductive shield (**column 5 lines 15-35**).

Girod does not disclose expressly a shield made of conductive sheet copper. At the time the invention was made, it would have been to a person of ordinary skill in the art to use sheet copper. Applicant has not disclosed that using sheet copper provides an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore

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would have expected applicant's invention to perform equally as well with any other conductive metal because the conductivity of the metals are will within range of having the same outcome.

Therefore, it would have been obvious to one of ordinary skill in this art to modify Girod to obtain the invention as specified in claim 7.

Consider **Claims 15 and 23** and as applied to claim 1 and 22 above, Girod clearly discloses a detector (i.e., apparatus with means of detection) for detecting telephone - activated devices (i.e., other mobile phones or like devices capable of operating at various frequencies) (column 6 lines 45-49)

Girod does not disclose expressly a detector that has a weight no greater than about 5 pounds (2.3kgs). At the time the invention was made, it would have been to a person of ordinary skill in the art to use a specific weight. Applicant has not disclosed that the 5 lb. Specification provides an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore would have expected applicant's invention to perform equally as well with a functional detector because the weight difference is minimal in terms of the overall objective if the device.

Therefore, it would have been obvious to one of ordinary skill in this art to modify Girod to obtain the invention as specified in **claims 15 and 23**.

Consider **Claims 16 and 24** as applied to claim 15 and 23 above, Girod clearly discloses a detector (i.e., apparatus with means of detection) for detecting telephone - activated devices (i.e., other mobile phones or like devices capable of operating at various frequencies) (column 6 lines 45-49)

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Girod does not disclose expressly a detector that has a weight no greater than about 2 pounds (0.9kg). At the time the invention was made, it would have been to a person of ordinary skill in the art to use a specific weight. Applicant has not disclosed that the 2 lb. specification provides an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore would have expected applicant's invention to perform equally as well with a functional detector because the weight difference is minimal in terms of the overall objective if the device.

Therefore, it would have been obvious to one of ordinary skill in this art to modify Girod to obtain the invention as specified in **claims 16 and 24**.

Consider **Claims 17 and 25** and as applied to **claim 16 and 23 above**, Girod clearly discloses a detector (i.e., apparatus with means of detection) for detecting telephone - activated devices (i.e., other mobile phones or like devices capable of operating at various frequencies) (**column 6 lines 45-49**)

Girod does not disclose expressly a detector that has a handle. Nonetheless, the examiner takes Official Notice of the fact that it is well known that adding a handle can make a portable device more portable. Therefore as suggested by Girod, it would have been obvious to one of ordinary skill in this art at the time the invention was made to operate the teachings of Girod by adding a handle to the invention as specified in **claims 17 and 25** for the purpose of maneuvering the device easier.

Consider **Claim 18** and as applied to **claim 16 above**, Girod clearly discloses a detector (i.e., apparatus with means of detection) for detecting telephone - activated devices (i.e., other

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mobile phones or like devices capable of operating at various frequencies) (**column 6 lines 45-49**)

Girod does not disclose expressly a detector that has a battery. Nonetheless, the examiner takes Official Notice of the fact that it is notoriously well known that detection devices need power either AC or DC supply. At the time the invention was made, it would have been to a person of ordinary skill in the art to use a battery. One of ordinary skill in the art, furthermore would have expected applicant's invention to perform equally as well with a AC power cord or DC battery supply because the device is still portable with a AC power cord or DC battery supply.

Therefore, it would have been obvious to one of ordinary skill in this art to modify Girod to obtain the invention as specified in **claim 18**.

Claims **11-14** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Girod U.S. Patent (6,687,506 B1)** in view of **Oura EP 0 881 850 A2**.

Consider **claim 11** and as applied to **claim 8** above, Girod clearly discloses a detector with a feedback unit that provides a first signal to the operator when the result is that a telephone-activated device is detected (i.e., signal generation from jammer based on the detected signal **column 5 line 46-57**, display messages **column 2 line 38-48**, and the response unit can be integrated into a switching office **column 4 lines 44-48**).

However, Girod does not clearly disclose a second signal to the operator when the result is that a telephone-activated device is not detected.

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In the same field of endeavor, Oura discloses a portable telephone detection device that sends a first control signal and in response to the control signal the detection device sends a second signal as to whether or not the response is from a portable phone (**column 5 line 18 –39**).

Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include the second signal as taught by Oura in the invention of Girod for the purpose of making the detection system more precise and definite.

Consider **claim 12**, and as **applied to claim 11** above. Girod as modified by Oura above clearly show and disclose a detector wherein the receiver extracts device information associated from a particular telephone-activated device that is detected; and wherein the first signal includes device information (i.e., device information can be stored in memory for later use)(**column 4 lines 24-35 and column 2 lines 37-47**).

Consider **claim 13**, and as **applied to claim 12** above. Girod as modified by Oura above clearly show and disclose a detector wherein device information includes a telephone number associated with the particular telephone –activated device (i.e., device information can be stored in memory for later use)(**column 4 lines 24-35 and column 2 lines 37-47**).

Consider **claim 14**, and as **applied to claim 12** above. Girod as modified by Oura above clearly show and disclose a detector wherein device information includes a registration number associated with the particular telephone –activated device (i.e., device information can be stored in memory for later use)(**column 4 lines 24-35 and column 2 lines 37-47**).

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Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles Shedrick whose telephone number is (571)-272-8621.

The examiner can normally be reached on Monday thru Friday 8:00AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kincaid Lester can be reached on (571)-272-7922. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Charles Shedrick
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8/8/05


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